

**From “Nightmare” to National Implications:
A Profile of Lisa Beutler**

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Ok, this is an interesting case, because the original vision was to convene an advisory committee of interests that wanted to see the management of off-highway vehicles in the State of California. In California there is a special fund that supports off-highway use and it funds federal and state operations. It comes down through gas tax money. There was a great deal of contention with regards to the administration of the program and how off-highway vehicle use was occurring in California.

The environmentalists were very concerned because they weren't sure that the land management was being done appropriately. The off-highway vehicle users were concerned because they didn't know that they were getting the level of supports or the funds that were going into this. These are special, protected funds.

There is a third grouped recreationists that have an interest in having access to recreation lands, and their concerns were not considered at all in planning for off highway vehicle recreation. They're fishermen, hunters, equestrians, bikers—a whole sector of recreationists, all of whom, by the way, have dramatically different interests. Then there were just your basic staff that administers programs, both federal and state. The agencies that have been involved in this particular collaborative process in terms of government agencies are regional councils or rural counties, the State of California Department of Parks and Recreation, the US Forest Service, and the BLM, but no federal EPA, because this is a program orientation rather than a environmental orientation. These are land managers. The people at the table were land managers—and, it's a very large table. There's about 55 people involved in the process.

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This started in 2000—and once again this was a special program of the State of California Department of Parks and Recreation with a special funding source which was gas tax money. Part of what was interesting about this case from the very beginning was that the division deputy director has a vision that instead of the ongoing contention that had been classic and well known and well described for years, and years, and years, perhaps that could all come to the table together and begin to think in a more collaborative way—and talk about the best way to manage this program—and that would be a much more preferable approach than having the usual thing that happens, which is that land managers go do something and get yelled at by everybody.

The deputy director is an interesting guy—he came from Ducks Unlimited, and he had negotiated some agreements with the "enviros" and hunters and various land agencies to do some massive wetlands set-asides for habitat through Ducks Unlimited. SO, he had some experiences negotiating and also as a former legislative staffer. He came into this process really thinking that there might be some benefit to getting people in the room. His basic approach to things is more like what you would see from a legislative staffer—which is to put together strange bedfellows and build coalitions. So his approach to it was quite political and very astute, extremely astute, and he was very experienced with such coalitions and agreements. So he came into this process looking at it in this way.

They had called a person who typically provides facilitations for the Department of Parks and Recreation, and they had two meetings at which point according to the stakeholders—if you were to interview them—they would say that they nearly ran the first facilitator out of town on the rail.

I took a look at what the first facilitator had done. It was a disaster, so the deputy director had gotten into a conversation with one of his friends from the Regional Council for Rural Counties, and that guy had also worked as an intern with the Sacramento Water Forum. So, he said to the deputy director, “You should call this Center for Collaborative Policy, because they know how to do this stuff. [But] these regular facilitators—they don’t know how to do this stuff.”

So, the guy picked up the phone. He didn’t know who we were, but his friend had told him to call, so he picks up the phone and calls in and says to the person answering the phone, “I have this [case] with off-highway vehicles”

At the time, I had literally just arrived—I mean moments earlier, days, hours, literally: just arrived, and there was no one here that could do a case like that except me. And the reason I could do it—and this is an interesting thing—is that I actually have an extensive background in off-highway vehicles, and I had worked for Parks and Recreation at onetime and I had been an off-highway vehicle ranger. I was the first female motorcycle State Park ranger in California.

So, I called them back and I said, “Ok, there are a couple of things here that we need to have a conversation about. One of them is that I absolutely have knowledge about this topic, so we need to make sure that the parties would be comfortable that I am not biased, because my role had been as a Park Ranger.”

Both the enviro and the user groups were willing to sign off on that. [In California state park rangers are peace officers, so that was the first thing [I said]: “The parties will all have to have comfort that I can in fact be neutral.” It had been a number of years since I had done that work, but they would need to sign off on that.

[Then] I said, “The second thing is that one of your staff people used to be one of my staff people,” and so we had a disclosure issue there. He’d actually worked for me at one point. So, we worked through all of that stuff. So, he said, “OK,” and he went back, and he talked to all the parties, and everybody signed off with all the full disclosures.

So, I came back in, and I did some initial evaluation of the situation, because they had already started. They were two meetings in.

What happened in the first two meetings was that the previous facilitator—and this was part of my assessment of what was going on—had come into the process with a classic problem-solving model, a classic seven-point problem-solving model that you might see if you were to go and get a book on problem-solving.

It had a complete step down process, and so he was just going to go through the seven steps of problem solving, he just approached it like he would approach any other normal thing he might do. By the way, he’s very capable—and I think this is an important piece of this story—he has been very effective in working with the organization and solving problems that had popped up all over. He was their guy—he had worked for them many times. He had helped them with many things, and he still works for them by the way. He still comes in and helps them with little issues as they pop up—particularly work-place related issues. So, he was using a very standard king of [approach]. I looked at his [material]. I recognized it from textbooks that I had.

Well, here you had this really high level of contention in a room, and I had people who aren't even speaking to each other. So, asking them to begin to define the problem just immediately put them into saying, "The problem is: the other guy is a jerk!"

That was going nowhere very fast—plus, you've got 55 people. Plus, you've got a guy that was used to working with maybe six to twelve people. It was a complete mis-match. So, in looking at what he had done, I was saying, "You know, perhaps this was a bad match," but this wasn't a case of a person being incompetent—it was just the wrong tool.

[Did they know at the beginning what they might accomplish?] Oh no, they didn't know what the agreements would be. They had no idea. They didn't even have a single topic to discuss. One of the first things I had to do was assess what could even be negotiated. I mean, I didn't even know—no one even knew what could potentially be discussed.

I think what the deputy director was really looking for was some way to get people in the room and change the quality of the dialogue—to go to a more civil dialogue. He intuited that there was room for agreements because he had experience crafting agreements—that is what this guy did for a living. So, he didn't know what it was, or where it would come from, or how it might look, but he intuited that there was definitely room for some agreements here.

So he had this intuition—but what did I do? Well, we had to undo the damage first.

What we had to do there was start with a classic reframing. We sat down and we said, "We're not here to do problem-solving work. We're here because it's in everyone's interest for this program to operate at an optimum level. Can we agree in principle, that the effective optimal operation of this program is in everyone's interest? So, we spent the first two meetings in that conversation—to reach the agreement that it was in everyone's interest to find an optimum approach to physically managing this program.

To give a little bit of background here, if you're an environmentalist, there is a philosophical perspective about off-highway vehicle use—which is largely that people don't like them. I mean that's just the way it is. However, what they do know, and the environmental community would confirm, is that managed use is infinitely preferable to unmanaged use.

The environmental community in particular realizes that the potential for environmental harm with an unregulated use is far greater, because you can mitigate for regulated use. So, this was an important piece of the conversation to say, "OK, we're going to stipulate that you

[enviros] don't like off-highway vehicles—we'll stipulate to that. But that being the case, are you willing to agree that an optimum management of this program is in your interests?"

They said, "Yeah, we're willing to agree to that."

And also, "You equestrians, do you agree to that?"

"You bike people, do you agree to that?" And so on and so forth.

Everyone agreed with that. For the off-highway vehicle community, they agreed that better use of their funds was an optimum state. So, everyone agreed in principle that that was the case.

So, from there what we did was a 'mind map.' [We said,] "If we were going to write a book about this program and what the elements of this program are, what would be the chapters of the book? What would have to be in the book—in a conversation about an optimal program?"

And we spent a meeting building this book, and we did it as a 'mind map' [which] looks like a sunburst. In the middle you have your concepts, so it would say "optimum program," and then shooting out like a sunburst, there would need to be a chapter on funding; there would need to be a chapter on mitigation for x; there would need to be a chapter on soil; there would need to be a chapter on sound; there would need to be a chapter on . . . whatever. From that, once you have those major arms labeled, the subheadings or subchapters of those would [go on accordingly].

So, we drew a picture—we took a whole wall, and we drew a picture of what would need to be in the book, and then I had to group prioritize what they had energy to work on in writing the chapters of the book. So they multi-voted and picked through these.

Multi-voting works like this: You take a mind map, and you take the arms and divide by three and you add one. Then everyone in the room is given that many dots, and they can vote where their energy is.

In a situation like this you color-code your dots so that the interest group is knowable to you—so if you're the enviros, you're one colored dot; if you're a recreationist, you've got another color. So, each of the dots are color coded, because one of the things that I would be looking for—if I were going to move into a conversation by caucus—is [to] have not just one group with an interest in talking about it, [but to] have to be a joint perspective. So, I actually let them vote on where they would put the most energy, where they thought the most return would come from.

We picked out a couple of important topics. So, one of the topics we felt there was some room to be in conversation about, [for example,] was "Soils."

What the mind map does is help you describe the universe: “What is the universe that I’m working with here? What is the universe of issues?” That’s the broadest picture, and then from there, understanding this universe of issues, we ask, “Where is your energy? Where do you have an interest in paying attention and doing some work?”

Then people can look at it and say, “Ok, it looks like all of us have an interest in taking on this particular subject.”

[When] we had some priorities set, then I could move into a lot more classic things, like doing “issue and interests statements,” figuring out what it’s all about. I was dealing with a full universe, you know—there was no topic even defined. We were just in the process of trying to begin a conversation with parties that wouldn’t even speak to each other, hardly.

So the first thing was, “Can we get an optimum program?” “Yes, we can.” “[OK,] so, if we’re going to talk about this program, where would your energy be—what would we want to talk about relative to this program?”

So we came up with about five or six things that we thought might be useful to talk about. Once we had defined those things—one of them happened to be funding, by the way, and that was another area where they had a number of questions: about the management of the funds, where the fund went, how they were allocated—then we moved into an “education phase” where we began, based on the topics that had been identified, to learn what was involved, to learn what the parameters were...

How long did that take? Well, we did one meeting for each of the topics. We actually set up the meetings around them. In the beginning we met monthly. It was pretty intense. We set up, usually, one full meeting addressing each topic. So, for example, when we got to “Sound,” we called the US EPA, and we had their “sound expert” come, and he spoke to the group and explained what the federal laws were.

So the mind map generated relevant issues, and the dots here and there told us one group feels really strongly about this and another group feels really strongly about that—and [for] some topics there were mixed colors, shared concerns.

I was looking for a space where there was energy to work collaboratively, where the colors were mixed and there were a lot of them. Where there were a lot of votes, there was a lot of energy to pay attention to this, and that it was mixed meant that it was a shared interest, and that they would be willing to make a commitment to spend some time investigating that.

The mind map did a couple of things there were very helpful with the contentiousness of the process. The energy was directed to the wall, not at each other. So, by having people focus as if we were writing a book—what would the chapters be?—it was completely value neutral. It was content based and all the attention was on the wall...

[But] if I had asked about their issues instead of [about] the book, they'd have spoken [about] 'their beefs.' When I'm writing a book on a program, one of the chapter heading is not, 'Joe is a jerk.' [But] if I ask you what your issues are, one of your issues might be that Joe is a jerk. It's a way of framing the conversation to make it value neutral—it's less adversarial.

[When] you're saying to someone, "If you're writing a book about this program, what would the chapters have to be? What would you have to talk about?"—it's neutral in the sense that it doesn't say what's bad or good or issue-oriented. If we're going to write a book about an optimum program, that book would have to have a chapter called, "Soils," and you would have to have series of things about soils in that chapter. And one of the sub-headers would be "Mitigation;" another sub-heading would be "Erosion;" and another sub-header would be "Trail Grade," and those would have to be in that book, if we were writing a book about this program.

That's what that conversation looked like. So, it allowed me to be in a conversation—not me personally—but if I'm an X it allows me to talk with a Y and talk about content, and talk about the "it," the subject, not about my beef with the way it's happening. So that's why it's laid out that way.

I did this for two reasons. The first was that I needed to understand what the universe was—and I wanted to build that as a collective picture. This happens to also be very fast, because you can get a lot of information very quickly using a room full of people—and this is a very common large group technique—to have an entire room inform the process and build the picture, and I was able to do that in a day—in a couple of hours, really. And once we built that picture, we could start talking, "Ok, where is there energy?"

It doesn't even matter why people have the energy, because we're going to have to spend some time together. We're going to have to do this work. This wasn't like a case where you have a very specific dispute, and you're walking in the door and you're attempting to resolve that dispute. That was not my situation—I was asked to come in and work with a highly contentious group of people to build relationships, a very different kind of task.

This program had continuously, for every single administration, been a complete thorn in their side and a source of all sorts of chaos and problems, and typically it was a source of bad press—and litigation—and a million other things. The program director and the Governor both had said to the deputy director, “You get this frigging under control: it’s a nightmare for us.” So being this person with the Ducks Unlimited background, he intuited that this was the approach.

From the mind map we identified the topic areas, and then we moved into education. So, as I said, like in the case of funding, we spent an entire day where people came in, explained it, explained the funds, explained how the funds were expended, explained the whole thing. We went through each of the areas where we had identified some energy. “Grants” was another one.

So we spent a lot of time—probably the first six months—in education, going through some of the critical program areas that we’d identified as priority areas. Then we did “issue and interest statements,” after we had done this education stuff. We asked people to talk about what their issues were and what their interests were in approaching any of the particular items we had laid out, and so we actually, for each topic, developed issues and interests.

To get the issues and interests statements I gave them a set of questions to work on and basically asked them, “Thinking about this topic area, the areas where my constituency or my caucus has deep concerns are these kinds of areas...” And, “If we think about how to make this work correctly, the way we would describe a correctly working function would be such and such...” And, “The reason I think that this will really solve the problem is...”—[and] that, of course, is a real interest, when they explain why it is that they think that this is the optimum solution. It’s not what they actually present—it’s their reasoning that provides what their interest is, because you can’t get them there directly. So, you have to walk them through it.

So once they had done that, we actually presented those to the others—so each of the caucuses shared with the others their perspective. I took away the “solution” and only talked about their reasoning—so, “This is an issue, and we explored the kinds of things that we thought would respond to that.”

Why can’t we get them there directly? When you ask people, people typically think in terms of a proposed solution, not the underlying assumptions or premises that led them to a solution. I think that the reason for that in our society is [that] people are actually trained to be solution-proposing. So people are always told to do the completed staff work [and] to come forward with a proposal, “I know the solution to this problem. This solution is X.”

I think it's just around language and conditioning. So, you [need to] hit a "pause button," and you say, "Ok, you've proposed a solution, but you have reasoning behind that. What are you thinking about when you propose a solution?" Because typically, what people are reacting to is not one another's interests—it's their proposed solution. That's what they typically are reacting to.

Like most of my work, this is about expanding, contracting, expanding, contracting... So, what you do is open up the range of possibilities. Then you find ways to collapse them down to single points, and you open it up again, and then you close it down again. It's like layering—so I started at the bird's eye view, the 1000 ft level, with the map, and then I began closing down...

To see what expanding and contracting means, we can take the one where we have an agreement, because that will take it to a conclusion. So, what would make an optimum program? An optimum program, if you were going to talk about it, would mean you would have some way of addressing sound—so we would have to have a chapter about sound.

Ok, so that's the opening. So [then] we go, "Let's learn more about sound—let's find out about that: what it means, what causes it." So the next thing was that we spent the time—we went deep into that. We had gone wide, we multi-voted and got to "sound," and then we went wide again: "What do we know about sound? What can we learn about sound?"

So, we took that teeny point of agreement—to talk about sound—and then we blew it out again, and we created 27 issues associated with sound. Right?

So then I'm saying to the group, "If you were going to think about what you might do about sound, what might you do?" So, they would, perhaps, propose a solution as a caucus, and I would say, "Alright, so you've proposed that solution. Why do you think that that particular solution would somehow get at what you need?"

Then what comes out of their mouth is their interest. This solution will get at what I need because of "this, and this, and this . . ."

Ok, so now I know what those things are. And I've learned about what all the other caucuses think too—so do we have common ground anywhere? Do we have a space where we can see that this conversation has room to continue, where we can go a little bit further on this? What we learned is that the industry, the users, and the enviros all said, "We think we can talk about the level of sound, and we all have very different reasons for thinking we can talk about that, and

very different reasons for thinking that serves our interests, but we do believe that we can talk about that.”

So, for example, if I’m an off-highway vehicle user, the reason that I care about sound is that whenever there are impacts from sound, the off-highway vehicle fund has to purchase buffer mitigation lands. So that actually reduces my use opportunity, if I have to have larger buffers. So I have an interest in reducing the sound on a specific piece of property, because if I can do that, I can increase my use to a wider area.

If I’m an enviro, I have an interest in sound because I care about birds, and I care about wildlife, and I believe there are negative impacts from sound. And also, there are health and safety issues associated with sound.

If I’m a manufacturer, I have interest in sound because I need to make sure I have a sellable product. I’m also interested in making sure there’s more use, because if I have a loss of opportunity for use, eventually I’m unable to sell motorcycles—and I also need to make sure that if a standard is crafted, that I can physically comply with it.

If I’m a user I have a concern that I have an old motorcycle and somehow my old motorcycle has been accommodated for. So, [we went] through a whole bunch of things, but they [were] all able to articulate what their concerns are. It helped that we had ground rules. One of our ground rules was that you’re listening for understanding and [that] a person’s truth is their truth.

When someone didn’t follow these, though, we would just remind them of what the ground rules were. We had two ways in the physical process of doing this. I had them develop their perspectives by caucuses, but then I put them into mix-matched groups—again these are all things you can do with very large groups—where they discussed their issues collectively at their tables, and then they reported them to the larger table—and one of the obligations was that the person who reports says what they’re learned from the conversation.

So, this is about, "What I have learned from this conversation? What I have learned about what so and so cares about?"

One of the ground rules is that you’re never under any obligation whatsoever to agree with anything that anyone says. Just because someone has a truth or a belief system, you’re not being asked to subscribe to that. You’re not being asked to [defend] your point of view; you’re not being asked to do anything but listen for understanding—and be in this conversation long enough

and deep enough that you can understand the perspective of the other person. That's all that was being requested.

Did it ever fall apart? Of course! [I just tried to] stay calm and [to] remind the people of what the ground rules [were]. At one particular point we had a situation where a person who happened to be an environmentalist, Mary, had gotten up with some very passionate sort of statement that caused everyone to get a little zipped up.

There was a particular person, John, in the group who was about 6 foot 8—and I don't know how much he weighed, but this guy was a giant. He had a habit of wearing black suits and white shirts, and he had sort of a gangster look—he's a big guy and he would laugh if he heard these statements.

He actually enjoys projecting himself as a tough guy—that's his nature and he enjoys it. He's a lovely person, as most people like that are. So I said, "John, would you please re-state for the group your understanding of what Mary just said?"

I knew he listened. I just knew he'd listened—he always did. So John got up and very succinctly restated what Mary had said, and coming from his mouth it had not caught everyone...

"Oh, OK, that's what she said."

And I said, "Mary, did he accurately represent what you said?"

And she said, "Yes, that actually represents my concerns and my interests."

And so everybody just calmed down and we just worked. I think the piece that's important is to say, "Unless we reach a point where I am specifically and completely transparently and absolutely asking you to agree or not agree, you are under no obligation to ever agree or not agree, unless we've reached that absolute point about process." That allows people to just listen.

Did we ever have to intervene outside the process because of things going on in between meetings? Yes, we had a couple of blow-ups, and there was a situation where one of the sectors did a hit piece on one of the other sectors during the process: they broke a big front-page story. They released a big report and made all kinds of accusations regarding other parties in the process. We had a ground rule where people were supposed to inform each other if they went to the press, but they didn't.

What happened? I met all the parties beforehand. The particular person who committed the violation basically knew he had to make an apology to the group for the violation of the ground rule—not for what he said, but for the violation of the ground rule.

The particular piece that came out was an anti-off-highway-vehicle piece. In the past when these sorts of things happened, the other side would get all crazy, carry on, and this and that. [But] I'd received about twelve hours notice before it was in the papers. I got a call, "This is going to be in the papers tomorrow. A reporter just called to ask us about it."

So I called a caucus, [and] I said, "There's going to be a story, you know—it's already been released," and this and that. "I want you guys to carefully think about what you're going to say," and so the off-road-vehicle community said [to the reporters], "We understand that this group has concerns with these issues, and we are involved in a process to be in a conversation about this, and we think there is room for people to disagree about this, and we're in a process of trying to talk about how we might move forward on this issue."

That was not only a way of keeping things on track, but this was a surprising lesson learned for them—they looked great, and the story got no legs, because in part, [there's] only a story if they carry on. There's no story if the parties said, "We can understand how they have concerns."

So, the story lasted one day. I had asked them to think about the value of the process—and what they learned was that this story got no legs: There's no story if there's no story. That was a great lesson learned for them. They'll never forget that. It's ironic, because the person who [had] sent out the story [had] completely changed the rules of engagement [we had adopted]—because that was the old way of doing it, the "shot across the bow"—[and] so they didn't try that sort of thing again: There was no purpose to it. They still [did] one other hit piece since, but they had the same reaction—it didn't go anywhere. It didn't even make a ripple. The first story made the front page.

[Now,] the place where the big breakthrough came was on "Sound," —the EPA guy came in, talked about sound, and said, "You know, you can't do anything about the manufacturing standard."

The group was really disheartened, because they wanted to move forward—they felt it was in their interest to move forward, and they didn't have any room here to move. So we just went back at it and said, "There's just got to be another way to go at this."

Because of my background, I was aware that the State could impose “point of use” standards. The State has a right, for example, to say, “You cannot use alcohol on State property.”

Now, it's not illegal to have alcohol. You're not breaking the law—and if you're a certain age, there's nothing wrong with drinking. But the State has a right to impose that restriction—so somehow that came into the mix. So the next question [related] to that was, “Could the State impose a similar type of a standard for other uses?” and the answer to that was, “Yes.”

That was a legal question, a question of fact. We investigated that question, and the answer came back, “Yes, you can.”

Ok, if you can, you've got room to move forward. So, then, what would have to be the piece of this that we could move forward on? So then we actually got talking about numbers. It was a strict, straight up negotiation about numbers: What could we physically do?

Some people had one number and other people had other numbers. They all had numbers—so we asked, “What is your reasoning for those numbers? What is bringing you to that conclusion about those numbers?”

At the table I had Honda, the Motorcycle Industry Council, Kawasaki—so we had experts. People came in from the California Air Resources Board, and I had the U.S. E.P.A. We brought in heavyweights to talk—and what we got down to was that the manufacturers eventually drew a line, “We can't go any lower than 96 decibels. We don't know that we have technology that allows the industry to go below 96.”

The Motorcycle Industry Council works [by] 100% consensus, so if you have any party in the Industry Council that had a concern, that's veto for them. So, that was the lowest they could go—96 decibels.

The enviros came back and said, “Fine, maybe we don't do anything. Maybe we just go after land. Because if you're going to keep it at 101 decibels, we're just going to go for bigger buffers.”

That's when we started talking turkey. I did a lot of shuttle diplomacy there—and the enviros wanted 94 decibels.

The shuttle diplomacy was about talking about, “Ultimately, what's in your interest? Yes, you can do this, and go after land and this and that, but, ultimately, what's in your interest?”

We had a very, very critical, critical person in this process. He was an essential person, a representative from Audubon. He was phenomenal. He understood this. For one thing, because

he was from Audubon, he actually understood sound a little bit, and he felt from the standpoint of the resource, that the managed use—that the reduced sound—ultimately was a better solution. The way we crafted the agreement, though, was that we addressed this problem of them not believing the industry: They're saying, "We think we can go lower," and the industry going, "No, we can't."

So what we agreed to do, as part of the side agreement, was a series of studies, and we negotiated the criteria for the study on sound. We actually had a negotiated agreement on what would be studied—to do further studies on sound and what's possible. Those studies are actually in progress, and the stakeholders actually met just a month or two ago.

That first series of studies came back to the group, and it was fascinating, by the way. They actually showed where the sound emanates from a vehicle, what causes the sound...and this was the first time these particular studies had been done, and they are going to have a dramatic impact on sound, because one of the things that came out was that sound is not emitting from mufflers largely. Most of it is motor noise, and [so they've started wrapping] where it emanates from on the bike.

There are a lot of things going on still. The current testing process, too, for sound, is a drive-by at 50 yards. You can only do that in a completely enclosed space, because you can't have ambient sound. You have to be able to control any ambient sound—so the federal test is a 50-yard "drive by," [but] the State test on a muffler is a 20-inch test from the end of the muffler—and they don't have direct correlation. They just have a marginal correlation of some sort.

Were there lessons here? This was an emerging process, and I think you learn everyday. I couldn't have predicted or anticipated where it was going to go next. I didn't know, so it was an unfolding process. It was just paying attention and staying open to what could happen. I don't know how many times it happened in the process where I thought, "Oh man...I don't know what to do next!"

But, yes, it doesn't just unfold. If you don't have a well-defined conflict, it's critical to create some scope. I think that was important, and I used a particular tool that happened to work—the mind map happened to be a way of beginning to start that conversation. I don't know if that would apply across the board. It's a tool that I have used in other situations, and it does work, but not in every case, and I don't always use it.

Where the conflict is well-stated and more defined, you don't need to use this kind of a tool. There are other kinds of tools, though, that would allow you to get to the same spot, and it would depend on the situation. With this particular one, if you're only dealing with four or five people, it may not be the right kind of tool. Another thing that was important was really solidly and consistently enforcing the ground rules—that there had to be an absolute commitment to the ground rules and to the commitment of the group to be in the conversation, and that had to be fairly regularly affirmed for various reasons.

One of the reasons I happened to know that to be particularly true is that now that we are so far in—we've been at this now for three years, going on year four, and we only met every three or four months—I'll occasionally get new people in the room, and I'll have to constantly revisit this. I can tell the difference in the behavior when we go for long periods of time without people being in this constant commitment to doing it.

Another thing that was absolutely effective in this process was that I did a lot of what we call "workshop work," which means that once we got particular pieces of things defined, we would ask small groups to take off and go into "workshop mode," and do real serious work on something that would then be returned to the full group for review.

We did many, many iterations of that. It allowed us to take up more than one thing at a time. That allowed us to work in parallel on a couple of issues, so in any given meeting we might be reviewing three different issues where there had been substantial work done in the interim.

These small groups have to be mixed, really, because one of our ground rules was that we wouldn't allow proposals to come forth unless there was a full consensus in the work group to bring it forward. Otherwise, it's a waste of the group's time. So after about month six or seven, we were looking at well-formed ideas—where the work had been done, where the groups had thought through it, where seven or eight people had really spent some quality time thinking about something, to form the thinking.

You might say there's a tentative testing in the small group—before it comes up higher—[so] it's much easier to manage the conflict in a smaller setting because you can deal with people [more easily], especially [when] they're working [together] closely. But when something gets unleashed in a room of 55 people, it's very difficult to manage—it's very easy for it to go sideways.

[Sometimes] the small groups were facilitated, depending on the group. [Where there was] a strong leader, or [where] the issue was relatively content based, they did not need help.

The groups actually know to get help. Unless [we have] something where we absolutely know there's going to be contention, we usually start the groups off with a voluntary process. They all know that if they need help, they should come get me, and I have another co-facilitator who works on this project. So, they come and get me, or they come and get her. If it's less contentious, she will usually work with it. But they have a good sense of that.

Another important thing is that we absolutely do meeting minutes, and we revisit those minutes often to say, "Ok, where are we at? How did we get here? Do you remember?"—because it's very easy to forget, it's very easy to [slip] back to whatever your original situation was.

So the minutes create some accountability, and we use them all the time to say, for example, "This is what you said about this—this is where this language came from."

But also [this] allows people to not ascribe motives. So if you can take a look at what the minutes were and say, "Oh, OK, this wasn't so and so trying to sneak something under the door. No, in the last meeting, we said this, and this, and this . . ."

And we revisit those minutes. On more than one occasion, we've gone back and needed them.

This "point of use standard" was actually created by legislation—and that reminds me, the first big agreement that [we] got was an agreement to continue the program, because it had a sunset clause. That was the first big agreement. This sound agreement came two years into the process.

The [sunset clause meant that the] program was to end on a mandatory basis at the end of seven years. So we got a three year extension to the program with an understanding that the parties would stay in negotiation, and that was the first piece of legislation. When they got the legislation [to continue] passed, there were no votes cast against it.

[You're asking if there are some lessons here—that when public disputes involve a lot of contention, still a lot of things are possible. Yes, some people will feel that when things are so contentious, and there's so much bad feeling running around, they may want to turn around and walk.] I saw the contention in the room—[so how did I have the sense that, "Well, yeah, they're

angry, but we can get something done?"] Whenever there is conflict in the room, it means there's energy to work on something—conflict is always better than apathy. So, that's where I start: conflict is better than apathy. So, now, if I'm angry, I'm angry about something, and I'm angry because I don't think something is working right—and I want things to work right.

[Now maybe you're angry that they're a jerk and they lied to you at the last meeting and their boss lied to your boss]—all that's true, that's the Hatfields and the McCoys. I think that there was a piece of that too—but you have to differentiate between the Hatfields and the McCoys, which is this about, "Your brother shot my brother," or "Is this about, I have a fundamental public policy concern with the way that business is being conducted?" Often times, both things are true, because I might have started out with my fundamental disagreement, and then I "shot your brother," or "You shot mine." So, my job then is to say, "We're going to stipulate to the fact that you shot each other. Now, we can go on all night and day about that, but that doesn't fix the fact that you are very unhappy with the way that this is working."

I will say that very directly to them in the room. I'll say, "I'm walking into the room today and there isn't a single thing I can do about the fact that people in this room have been shot. The only thing that I can work with today is the reality of today. And the reality of today is that this situation isn't working for you—Period—for all of you. If there's anyone in this room that thought this situation was working for you, you wouldn't be in this room. So—your big question, that you've got to pick up your mirror and ask yourself, is, 'Am I willing to not be in this situation anymore, and if I am willing to not be in this situation anymore, what am I willing to do about that? Am I willing to take the risk to be in a conversation?"

Will I say that very directly? I will say that to them...twenty times. You have to say it constantly—because that's really what it's about—is it worthy of your time, to cease your suffering?

Can that get them past the Hatfield McCoy problem? We stipulate that it's true. That means that we can say it right now—we can put it up on a flip chart—we can do whatever you need to do to say, "In the past, I've been shot," or "In the past, you've been shot." That's not a secret!

So we get it out there, we recognize it...we say this is true—Absolutely! This is true, *and* "Do you choose to continue suffering? Do you choose to be shot at in the future? Do you choose to shoot at someone in the future? Is that your choice?"

That's a pretty bold statement, for me to look at you and say, "I choose to shoot you in the future." Ok, if that's your truth, then that is your truth, but I'm not so sure that's going to help you when you want to achieve something in public policy, when your stated goal is to shoot people. If your stated goal is to achieve what you say is important to you, the philosophical reason that you walked into the room in the first place, then my expectation is that you have enough integrity to pay attention to the things that you care about—to try to do whatever it is you say you do. My expectation is that you have enough integrity to do what you care about.

[But this is something you have to work on] because there's some physiological element of this—people can be like salmon swimming upstream: When you move into a particular emotion, it's like the water dripping down the mountain: you go to the place you've always gone. There are actually physiological studies and psychological profiles of victims related to their natural state of behavior in certain types of stress situations. So, you have to constantly revisit it, because if your habituated pattern of response to any particular area of stress is to shoot—if that's your habituated pattern—then we will constantly have to revisit that, and the only counterbalance to that is to say, "What do you really care about?" You have a choice in your behavior, even if you have a habituated response....

[So my job as a mediator is to know that they may have a habituated response to attack somebody,] because that would be normal. That would be normal, [but] you can [still] get them out of it to solve problems collaboratively, I believe, in most cases, [if] people are truly in the room with integrity—and most people are. People don't get that kind of passion around bologna—they get that kind of passion around the stuff that they care about.

So, you go to that space where people care. I guess it's my faith in humanity, but people want to do the right thing. People want to live with integrity—people want to do the right thing, people care about something because it makes sense for them to somehow in their scheme of the world. And so, you're speaking to that piece of the person that lives in integrity, that piece of the person that wants to do the right thing in the world, and you're saying, "This is so important, and you so care about it, [so] can we speak to this part of your personality which can step above your habituated response to this other person? Can you do that?"

For a lot of these guys, if you really talk to the one's that care about it—off-road use is about family relationships—they go do these things with their children. It's about the only time they have a personal interaction with nature. It's about the fact that if you happen to be disabled, the

only way you may ever see something is in the seat of a jeep. All of these things are true, and that's important—a lot of this stuff is in fact value-based for them. Some of them truly believe—they have various perspectives that they bring to the table—that, “It's important for people to have fun. Recreation is an important part of what's important in California.”

Whatever that is, whatever that space is, they care enough about it to be mad. And if I care about something enough to be mad, then there's room to grow, [and that gives me something to work with as a mediator.]

Afterword:

When I said there are things we can't do directly, it involves the expand and contract piece which is that when I create possibility—which is going wider—it allows people to step away from a preconceived notion. So, in an indirect approach, I think that maybe what's really happening is that you have to create a place where people can let go of their preconceived idea—but if you ask it directly, you get the preconceived perspective.

With that preconceived idea, if you untangle it, if you peel the onion, you'll get the essence of it. So, this is about figuring out how to get to the essence of the preconceived notion—and that can happen through expansion, through peeling the onion, through any series of methods.

Other things, like the mind map that I've done with a contentious group are 'take forward, leave behind.' We have an agreement to construct an optimum future. Some of the skills that we have in the past will serve us in the future. Some of the things that have served us well in the past—but will not serve us well in the future. What do we need to take forward and what do we need to leave behind? Next time we'll talk about 'take forward, leave behind'—I've done lots of those...

[*John Forester and Judith Innes interviewed Lisa Beutler at the Center for Collaborative Policy in Sacramento, California, on January 7, 2004. Lisa 'Ok'd' this profile for distribution to students and colleagues on September 3, 2004.]